



P.O. Box 4186
San Rafael
California 94913-4186

Phone: 415/499-6570
Fax: 415/499-3799

www.marintraffic.org

July 28, 2005

TO: Transportation Authority of Marin Commissioners

RE: Authorize TAM to Conduct Background Checks – Agenda Item 5.g

Belvedere
Jerry Butler

Corte Madera
Melissa Gill

Fairfax
Lew Tremaine

Larkspur
Joan Lundstrom

Mill Valley
Dick Swanson

Novato
Pat Eklund

Ross
Jeanne Barr

San Anselmo
Peter Breen

San Rafael
Al Boro

Sausalito
Amy Belser

Tiburon
Alice Fredericks

County of Marin
Susan Adams
Hal Brown
Steve Kinsey
Charles McGlashan
Cynthia Murray

Dear Commissioners:

The Safe Routes to Schools (SR2S) contract approved by TAM last month with Parisi Associates requires a background check be performed on all persons that will have face-to-face contact with schoolchildren.

Penal Code Section 11105(b)(10) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation. Penal Code Sections 11105(b)(10) and 13300(b)(10) requires the governing body of a district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

A resolution authorizing TAM to access summary criminal history information is attached for your review and adoption.

Recommendation

Staff recommends that the Commission adopt the following resolution authorizing TAM to access summary criminal history information for employment (including volunteers, consultants, and contract employees), licensing or certification purposes.

Respectfully Submitted,

Craig Tackabery
Executive Director

Attachment: Resolution No. 2005-11

Making the Most of Marin County Transportation Dollars

Resolution No. 2005-11

**A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN AUTHORIZING
ACCESS TO SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT,
LICENSING OR CERTIFICATION PURPOSES**

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(10) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that the Transportation Authority of Marin is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers, consultants, and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the Transportation Authority of Marin shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin, on the 28th day of July, 2005 by the following vote to-wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

STEVE KINSEY, CHAIR
TRANSPORTATION AUTHORITY OF MARIN

ATTEST:

Craig Tackabery
Executive Director